

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Douglas D. Hails
Lynn H. Hails
aka Lynn H. Jackson**
Debtor(s)

Bankruptcy Case No.: 13-24767-GLT
Issued Per 7/27/2017 Proceeding
Chapter: 13
Docket No.: 101 - 94
Concil. Conf.: July 27, 2017 at 02:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 8, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jul. 27, 2017 at 02:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$9,905.00 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: July 28, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Douglas D. Hails
Lynn H. Hails
DebtorsCase No. 13-24767-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 2
Total Noticed: 25

Date Rcvd: Jul 28, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 30, 2017.

db/jdb
cr
+Douglas D. Hails, Lynn H. Hails, 41 Nancy Drive, Jeannette, PA 15644-1089
++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage, LLC., PO Box 630267, Irving, TX 75063)
13748131 AES Loan Servicing, P.O. Box 2461, Harrisburg, PA 17105-2461
13748132 +Butler Memorial Hospital, Attn: Patient Financial Services, One Hospital Way,
Butler, PA 16001-4697
13748133 Capital One, Attn: Bankruptcy Dept., P.O. Box 30285, Salt Lake City, UT 84130-0285
13760934 +Capital One Auto Finance, 9441 LBJ Freeway, Suite 350, Dallas, TX 75243-4652
13748135 Chestnut Ridge Counseling Service, 100 New Salem Road, Suite 116,
Uniontown, PA 15401-8936
13748136 +Comenity Bank, Attention: Bankruptcy, P.O. Box 182686, Columbus, OH 43218-2686
13748138 +Forbes Regional Hospital, P.O. Box 99400, Louisville, KY 40269-0400
13748139 Frank A Altier Jr, PC, DMD, 458 Harrison City Manor Rd, Harrison City, PA 15636
13748140 +KML Law Group, P.C., 701 Market Street, Suite 5000, BNY Independence Center,
Philadelphia, PA 19106-1541
13784739 +NATIONSTAR MORTGAGE, LLC, C/O WEINSTEIN, PINSON & RILEY, P.S., 2001 WESTERN AVENUE, STE 400,
SEATTLE, WA 98121-3132
14418262 +Nationstar Mortgage LLC, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
14418263 +Nationstar Mortgage LLC, Attn: Customer Relations, P.O. Box 619098, Dallas, TX 75261-9098
13748142 +North Shore Agency, P.O. Box 9221, Old Bethpage, NY 11804-9021
13748143 +Thaddeus S. Stasiak, D.M.D., One Northgate Square, Ste. 100, Garden Center Drive,
Greensburg, PA 15601-1341
13748144 +The Bradford Exchange, 9333 N. Milwaukee Avenue, Niles, IL 60714-1392
13748145 +The Hamilton Collection, Attn: Customer Service, 9204 Center for the Arts Drive,
Niles, IL 60714-1387
13748147 +Wells Fargo, P.O. Box 25341, Santa Ana, CA 92799-5341

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr
+E-mail/PDF: acg.acg.ebn@americaninfosource.com Jul 29 2017 01:07:48
Capital One Auto Finance c/o Ascension Capital Gro, P.O. Box 201347,
Arlington, TX 76006-1347
13748134 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Jul 29 2017 01:13:45
Capital One Auto Finance, 3905 N. Dallas Pkwy, Plano, TX 75093-7892
13748137 +E-mail/PDF: creditonebknofications@resurgent.com Jul 29 2017 01:07:57 Credit One Bank,
PO Box 98873, Las Vegas, NV 89193-8873
13810935 E-mail/PDF: resurgentbknofications@resurgent.com Jul 29 2017 01:07:59
LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
13813383 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 29 2017 01:26:20
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
13778842 E-mail/Text: bnc-quantum@quantum3group.com Jul 29 2017 01:10:31
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
Capital One Auto Finance, a division of Capital On
13748141* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage, Attn: Bankruptcy, 350 Highland Drive,
Lewisville, TX 75067)
13748146 #U.S. Department of Education, P.O. Box 173904, Denver, CO 80217-3904

TOTALS: 1, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 25

Date Rcvd: Jul 28, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 30, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 28, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Nationstar Mortgage, LLC. agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage, LLC. bkgroup@kmlawgroup.com
Joseph P. Schalk on behalf of Creditor Nationstar Mortgage, LLC. pawb@fedphe.com,
joseph.schalk@phelanhallinan.com
Mark G. Moynihan on behalf of Debtor Douglas D. Hails mark@moynihanlaw.net,
moynihan.mark@gmail.com
Mark G. Moynihan on behalf of Joint Debtor Lynn H. Hails mark@moynihanlaw.net,
moynihan.mark@gmail.com
Martin A. Mooney on behalf of Creditor Capital One Auto Finance, a division of Capital One
N.A. tshariff@schillerknapp.com, ahight@schillerknapp.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8